

# Iowa Department of Natural Resources Environmental Protection Commission

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ITEM

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Decision

TOPIC

Notice of Intended Action – Chapter 81: “Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems”

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The Commission is asked to approve the Notice of Intended Action to initiate rulemaking to amend Chapter 81, “Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems.”

## **Reason for Rulemaking:**

These proposed rules will enable the department to meet the requirements of Senate File 303 (Home Base Iowa Act) signed by Governor Branstad on May 26, 2014. This new law requires all professional and occupational licensing boards, commissions, and other authorities subject to Iowa Code chapter 272C to adopt rules by January 1, 2015, on military service and veteran certification. The rules must address the process under which each board will provide credit toward licensure qualifications for military service, education, and training and the procedures for expediting reciprocal licensure for veterans who are licensed in other states. The Department is the licensing board for the certification of water and wastewater operators (Iowa Code section 272C.1(6)(x)).

Chapter 81 sets out regulations for the certification of public drinking water supply and wastewater treatment operators and includes exam eligibility requirements, exam protocols, continuing education requirements, renewal requirements, reciprocity requirements and all corresponding fees. The Iowa Drinking Water Treatment and Wastewater Treatment Operator Certification Program has recognized that veterans represent a significant recruiting opportunity for the water industry and, since 2012, it has been working with the U.S. Department of Veterans Affairs, the U.S. Department of Labor, the Iowa Department of Education, and Propositions, a professional career transition company, to recruit and assimilate veterans into the water industry as quickly and seamlessly as possible. The Department’s water and wastewater operator certification program has included the experience and education obtained by military veterans for several years, but the proposed rule will add necessary clarification to meet the requirements of Senate File 303.

## **Summary of Proposed Changes**

The proposed rule amendments will clarify the process by which the Department provides credit toward certification qualifications for military service, education and training and the procedures for reciprocal certification for veterans who are certified water or wastewater operators in another state.

## **Stakeholder Involvement**

The rule amendments were presented to the stakeholders on October 3, 2014, and the Department received unanimous support for the rule making. The stakeholders represent the more than 3,400

certified water and wastewater operators in the state and the stakeholders assisting the transition of military service personnel and veterans into civilian jobs through retraining.

**Public Comment Period and Public Hearing**

If the Commission approves the proposed rulemaking, the Notice of Intended Action will be published in the Iowa Administrative Bulletin on December 24, 2014. The Department will hold a public hearing on January 14, 2015, at 11:00 a.m. at the Water Supply offices in the Wallace Building. The Department will accept written comments until 4:30 p.m. on January 15, 2015.

An administrative rule jobs impact statement and fiscal impact statement are attached.

Diane Moles  
Water Quality Bureau  
(as presented, November 19, 2014)

# **ENVIRONMENTAL PROTECTION COMMISSION [567]**

## **Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 272C.4 and 455B.222 and 2014 Iowa Acts, chapter 1116 (Senate File 303), the Environmental Protection Commission hereby proposes to amend Chapter 81, “Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems,” Iowa Administrative Code.

Chapter 81 sets out regulations for the certification of public drinking water supply and wastewater treatment operators and includes exam eligibility requirements, exam protocols, continuing education requirements, renewal requirements, reciprocity requirements and all corresponding fees. Chapter 81 is being amended as a result of Senate File 303 (Home Base Iowa Act) signed by Governor Branstad on May 26, 2014. This new law requires all professional and occupational licensing boards, commissions, and other authorities subject to Iowa Code chapter 272C to adopt rules by January 1, 2015, on military service and veteran certification.

The Iowa Drinking Water Treatment and Wastewater Treatment Operator Certification Program has recognized that veterans represent a significant recruiting opportunity for the water industry and, since 2012, it has been working with the U.S. Department of Veterans Affairs, the U.S. Department of Labor, the Iowa Department of Education, and Propositions, a professional career transition company, to recruit and assimilate veterans into the water industry as quickly and seamlessly as possible. For several years, the Department of Natural Resources (Department) has granted credit toward eligibility for education, training, and service obtained or completed by an individual while serving honorably in the military forces.

The proposed rule amendments will clarify the process by which the Department provides credit toward certification qualifications for military service, education and training and the procedures for reciprocal certification for veterans who are certified water or wastewater operators in another state.

The rule amendments were presented to the stakeholders on October 3, 2014, and the Department received unanimous support for the rule making. The stakeholder group included Hero2Hired (U.S. Dept. of Defense Contractor – IIF Data Solutions); the Iowa Department of Education—Veterans & Military Education; the Iowa Section of the American Water Works Association; the Iowa Association of Municipal Utilities; the Iowa Section of the Water Environment Association; the Iowa Association of Water Agencies; and, the Iowa Rural Water Association. These stakeholders represent the more than 3,400 certified water and wastewater operators in the state and the stakeholders assisting the transition of military service personnel and veterans into civilian jobs through retraining.

Any interested person may present written comments on the proposed amendments no later than 4:30 p.m. on January 15, 2015. Such written materials should be sent to Diane Moles, Iowa Department of Natural Resources, WSE Section, 502 E. 9th Street, Des Moines, Iowa 50319-0034; or sent by e-mail, including the commenter's name, to [diane.moles@dnr.iowa.gov](mailto:diane.moles@dnr.iowa.gov).

There will be a public hearing on January 14, 2015, at 11 a.m. in the Department's Water Supply Section Second Floor North Conference Room, located in the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. The conference room is located within the Water Supply Section offices on the second floor. Persons attending the hearing may present their views either orally or in writing.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the content of the proposed amendments.

Any person who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department to advise of any specific needs.

After analysis and review of this rule making, it is anticipated that the proposed amendments would have a positive impact on jobs by facilitating the licensure of veterans for employment in Iowa.

These proposed amendments are intended to implement Iowa Code sections 455B.211 to 455B.224, Iowa Code chapter 272C, and 2014 Iowa Acts, chapter 1116, division VI (Senate File 303).

The following amendments are proposed.

ITEM 1. Amend rule **567—81.1(455B)** by adopting the following **new** definitions in alphabetical order:

*“Military service”* means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

*“Military service applicant”* means an individual requesting credit toward certification for military education, training, or service obtained or completed in military service.

*“Veteran”* means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

ITEM 2. Amend subrule **81.7(1)** as follows:

**81.7(1) *Education and experience requirements.*** All applicants shall meet the education and experience requirements for the grade of certificate shown in the table below prior to being allowed to take the examination. Experience shall be in the same classification for which the applicant is applying except that partial credit may be given in accordance with 81.7(2) and 81.7(3). Directly related post-high school education shall be in the same subject matter as the classification in which the applicant is applying. Directly related post-high school education will be granted education credit 2.0 times the number of semester, quarter or CEU credits until January 1, 2006. The director will determine which courses qualify as “directly related” in cases which are not clearly defined. A military service applicant may apply for credit for verified military education, training, or service toward any education or experience requirement for certification, pursuant to subrule 81.7(4).

ITEM 3. Adopt the following **new** subrule **81.7(4)**:

**81.7(4)** *Military education, training, and service credit.*

*a.* The applicant shall identify the experience or education certification requirements for which the credit is requested.

*b.* As part of the examination application pursuant to subrule 81.9(1), the applicant shall provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant's Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

ITEM 4. Amend subrule **81.9(2)** as follows:

**81.9(2)** *Application evaluation.* The director shall designate department personnel to evaluate all applications for examination, certification, and renewal of certification and upgrading of certification. After evaluation of the application, the department will issue the applicant either a letter of examination eligibility or a letter of non-eligibility that includes a description of the education or experience requirements that have not been met. The director will review applications when it is indicated the applicant has falsified information or when questions arise concerning an applicant's qualifications of eligibility for examination or certification.

ITEM 5. Amend subrule **81.11(3)** as follows:

**81.11(3)** *Reciprocity application.*

*a. All applicants.* Applicants who seek Iowa certification pursuant to subrule 81.11(1)

or 81.11(2) shall submit an ~~application for examination~~ Operator Certification Reciprocity Application accompanied by a letter requesting certification pursuant to these subrules. Application for certification pursuant to 81.11(1) and 81.11(2) shall be received by the director in accordance with these subrules. The applicant shall be certified at the appropriate grade pursuant to subrule 81.7(1).

*b. Veteran applicants.* An applicant who is a veteran shall submit an Operator Certification Reciprocity Application pursuant to 81.11(3)“a” and shall also provide such documentation as is needed to verify the applicant’s status as a veteran under Iowa Code section 35.1(2). The veteran’s application shall be given priority and shall be expedited.

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Date

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Chuck Gipp, Director



**Administrative Rules  
JOBS IMPACT STATEMENT**

**1. BACKGROUND INFORMATION**

Agency:	<b>Department of Natural Resources (Department) / Environmental Protection Commission (Commission)</b>
IAC Citation:	<b>567-Chapter 81: Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems</b>
Agency Contact:	<b>Diane Moles, 515/725-0281, diane.moles@dnr.iowa.gov</b>
Statutory Authority:	<b>Iowa Code sections 272C.4 and 455B.222 and 2014 Iowa Acts, chapter 1116 (Senate File 303)</b>

Objective:	Adopt the provisions of Senate File 303 (2014) regarding water and wastewater operator certification of veterans.
Summary:	Senate File 303 requires that each licensing board adopt rules by January 1, 2015 on military service and veteran licensure. The rules must address the process under which each board will provide credit toward licensure qualifications for military service, education, and training and the procedures for expediting reciprocal licensure for veterans who are licensed in other states. The Department is the licensing board for the certification of water and wastewater operators. See Iowa Code section 272C.1(6)(x). The Department's water and wastewater operator certification program has included the experience and education obtained by military veterans for several years, but the proposed rule will add necessary clarification to meet the requirements of Senate File 303.

**2. JOB IMPACT ANALYSIS**

<p><u>    </u> <i>Fill in this box if impact meets these criteria:</i></p>
<p><u>    </u> No Job Impact on private sector jobs and employment opportunities in the State.  <i>(If you make this determination, you must include the following statement in the preamble to the rule: "After analysis and review of this rulemaking, no impact on jobs has been found.")</i></p> <p>Explanation:</p>

<p><u><b>X</b></u> <i>Fill in this box if impact meets either of these criteria:</i></p>
<p><u><b>X</b></u> Positive Job Impact on private sector jobs and employment opportunities in the State.  <u>    </u> Negative Job Impact on private sector jobs and employment opportunities in the State.</p> <p>Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities: The Department has already granted credit toward examination eligibility for education, training, and service obtained or completed by an individual while serving honorably in the military forces. The rule changes will provide clarification and facilitate the certification of veterans in Iowa.</p>

Categories of jobs and employment opportunities that are affected by the proposed rule: Drinking water and wastewater treatment operators
Number of jobs or potential job opportunities: Not possible to determine
Regions of the state affected: Statewide
Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.") No additional costs are anticipated.

### **3. COST-BENEFIT ANALYSIS**

The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

The proposed rule clarifies practices already in place for several years under the existing operator certification rules. There is no additional work involved for either state certification staff or the applicant, since review of the applicant's experience and education is already conducted as part of the examination eligibility determination process, and the same application is used for all people.

### **4. FISCAL IMPACT**

Please see the Fiscal Impact Statement for an identification and description of costs the Department anticipates state agencies, local governments, the public, and the regulated entities, including regulated businesses and self-employed individuals, will incur from implementing and complying with the proposed rule.

### **5. PREAMBLE**

The information collected and included in this Jobs Impact Statement must be included in the preamble of the proposed rule, written in paragraph form. For rules that have no impact on jobs (see the first box in number 2 above), the following statement must be included in the preamble: "After analysis and review of this rulemaking, no impact on jobs has been found."

**Administrative Rules  
FISCAL IMPACT STATEMENT**

Date: October 21, 2014

**Agency:** Department of Natural Resources (Department) / Environmental Protection Commission (Commission)

**IAC Citation:** 567-Chapter 81 Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems

**Agency Contact:** Diane Moles, 515/725-0281, [diane.moles@dnr.iowa.gov](mailto:diane.moles@dnr.iowa.gov)

**Summary of the Rule:** Senate File 303 requires that each licensing board adopt rules by January 1, 2015 on military service and veteran licensure. The rules must address the process under which each board will provide credit toward licensure qualifications for military service, education, and training and the procedures for expediting reciprocal licensure for veterans who are licensed in other states. The Department is the licensing board for the certification of water and wastewater operators. See Iowa Code section 272C.1(6)(x). The Department's water and wastewater operator certification program has included the experience and education obtained by military veterans for several years, but the proposed rule will add necessary clarification to meet the requirements of Senate File 303.

*Fill in this box if the impact meets any of these criteria:*

- ☒   X   No Fiscal Impact to the State.  
☐ Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.  
☐ Fiscal Impact cannot be determined.

**Brief Explanation:**

The proposed rule clarifies practices already in place for several years under the existing operator certification rules. There is no additional work involved for either state certification staff or the applicant, since review of the applicant's experience and education is already conducted as part of the examination eligibility determination process, and the same application is used for all people.

*Fill in this box if the impact meets this criteria:*

- ☐ Fiscal Impact of \$100,000 annually or \$500,000 over 5 years.

**Brief Explanation:**

**Assumptions:**

These practices have already been done in the state under the existing rules for several years. The rules are being amended for clarification but there is no change in the process. There is no additional work involved for either state certification staff or by the applicant, since review of the applicant's experience and education is already conducted for examination eligibility determinations, and the same application is used for all people.

**Describe how estimates were derived:****Estimated Impact to the State by Fiscal Year**

	<u>Year 1 (FY )</u>	<u>Year 2 (FY )</u>
<b>Revenue by Each Source:</b>		
GENERAL FUND	0\$	0\$
FEDERAL FUNDS	0\$	0\$
OTHER (Specify)	0\$	0\$
	<hr/>	<hr/>
	0\$	0\$
<b>TOTAL REVENUE</b>		
<b>Expenditures:</b>		
GENERAL FUND	0\$	0\$
FEDERAL FUNDS	0\$	0\$
OTHER (Specify)	0\$	0\$
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	0\$	0\$
<b>TOTAL EXPENDITURES</b>		
<b>NET IMPACT</b>		

☒ This rule is required by State law or Federal mandate.

*Please identify the state or federal law:* State law: 2014 Iowa Acts, chapter 1116, division VI (Senate File 303).

☐ Funding has been provided for the rule change.

*Please identify the amount provided and the funding source:*

☒ Funding has not been provided for the rule.

*Please explain how the agency will pay for the rule change:*

The Department will use existing resources to implement the proposed rule.

**Fiscal impact to persons affected by the rule:**

There is no adverse fiscal impact to persons affected by the proposed rule.

**Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):**

There is no adverse fiscal impact to Counties or other Local Governments.